

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

UNITED STATES SECURITIES)
AND EXCHANGE COMMISSION,)
)
 Plaintiff,) CIVIL ACTION NO.
 v.) 1:24-cv-03583-VMC
)
 DRIVE PLANNING, LLC, and,)
 RUSSELL TODD BURKHALTER,)
)
 Defendants,)
 and)
)
 JAQUELINE BURKHALTER,)
 THE BURKHALTER RANCH)
 CORPORATION, DRIVE PROPERTIES,)
 LLC, DRIVE GULFPORT PROPERTIES)
 LLC, and TBR SUPPLY HOUSE, INC.,)
)
 Relief Defendants.)

DECLARATION OF AARON M. DANZIG

1.

My name is Aaron M. Danzig, and I am competent to make this declaration. I am making this declaration based on my personal knowledge unless otherwise specified.

2.

I am an attorney at Arnall Golden Gregory LLP, where I have worked since 2008. From 2003 to 2007, I was an Assistant United States Attorney at the U.S. Attorney's Office in Atlanta.

3.

My firm is counsel for Defendant Russell Todd Burkhalter. Prior to entry, and per paragraph 5 of the Order Appointing Receiver [Doc. 10] on August 13, 2024, my firm also represented Drive Planning, LLC.

4.

The United States Securities and Exchange Commission approved its formal order of investigation *In the Matter of Drive Planning, LLC*, A-04060 on May 30, 2023.

5.

On April 11, 2024, SEC counsel first contacted me regarding this investigation.

6.

On April 16, 2024, I accepted service of subpoenas for production of documents and testimony issued to Mr. Burkhalter and Drive Planning, LLC.

7.

In response to the subpoena, Drive Planning produced 4,893 pages of documents to the SEC over the course of eight separate productions from May 13, 2024 through and including July 11, 2024. These documents included, among other things, company bank records, client agreements, the “master spreadsheet” identified in the SEC’s complaint, and company marketing materials.

8.

On June 12, 2024, Mr. Burkhalter appeared for testimony pursuant to the SEC subpoena.

9.

By the end of June 2024, Mr. Burkhalter and Drive Planning shut down the REAL program and no longer accepted new funds.

10.

On June 20, 2024, Drive Planning retained B. Riley Financial Advisors to assess the company's assets and liabilities.

11.

Throughout July 2024, I had numerous calls and emails with the SEC regarding a proposed Receivership Order.

12.

On July 10, 2024, I sent the SEC a markup of their draft Receivership Order.

13.

On July 24, 2024, after having received no substantive response, I sent a follow up email to the SEC regarding the proposed Receivership Order.

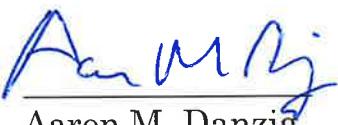
14.

Throughout August, including up to August 12, 2024, my law partner Kara Silverman and I participated in multiple calls with the SEC leading to the SEC's filing of the Complaint in this matter.

15.

I declare under penalty of perjury that the foregoing is true and correct.

This 14th day of August, 2024.



Aaron M. Danzig